



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

**Massachusetts Department of Environmental Protection
INFORMATION SHEET**

GUIDE TO REGULATIONS FOR USING OR PROCESSING
ASPHALT, BRICK AND CONCRETE RUBBLE
(March 1, 1993, Revised February, 2000)

I. INTRODUCTION

Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings, bridges or roadways, must be handled in accordance with the Massachusetts solid waste regulations. These regulations allow and the Department encourages the recycling/reuse of ABC rubble.

This Information Sheet answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations (310 CMR 16.00 and 310 CMR 19.000) that pertain to recycling/reusing ABC rubble. The limited summary of the regulations in this Information Sheet provides the information needed to satisfy the regulatory requirements for conducting a small-scale project where rubble is crushed at the site of its generation. Individuals contemplating other types of crushing operations should refer to the sections of the regulations referenced in this Information Sheet.

(NOTE: In the past, some provisions for using ABC rubble were contained in the Interim Policy on Alternative Uses of Asphalt, Brick and Concrete Rubble. This policy was repealed March 1, 1993. Many of the provisions of the policy are in sections of the solid waste regulations cited in this Information Sheet.) This Information Sheet was revised February 1, 1995 to reflect numbering changes made by the September 9, 1994 amendments to the solid waste regulations. Additional revisions were made in February 2000 to reflect address and organizational changes. No substantive changes were made by the February 2000 revision.

II. CONVENTIONS AND TERMINOLOGY

Asphalt, Brick, and Concrete Rubble (ABC Rubble) means rubble that contains only weathered (cured) asphalt, clay bricks and attached mortar normally used in construction, or concrete that may contain rebar. The rubble shall not be coated or impregnated with any substance.

Department or DEP means the Massachusetts Department of Environmental Protection.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>



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III. QUESTIONS AND ANSWERS

A. What can I do with ABC Rubble?

1. Take ABC rubble to a place where it will be recycled. Examples are asphalt batching plants where asphalt rubble is crushed and made into new asphalt and crushing operations where ABC rubble is crushed to a size that makes it useful as a substitute for stone or aggregate in construction projects.

No permit or prior notification of the Department is required to take the rubble to such a recycling operation. Regulatory requirements for the operator of such a recycling operation are discussed in another part of this Information Sheet.

2. Crush the ABC rubble at the site where it was generated. When the rubble is crushed in accordance with the conditions at 310 CMR 16.05(3)(e), the crushed rubble is no longer considered a solid waste and can be used as a construction material.

Although no DEP solid waste permits or approvals are required, the Department and local board of health must be notified at least 30 days prior to starting the crushing operation.

An example of how this "on-site crushing" might be applied arises in the case of replacing a road or driveway. The old pavement could be dug up, crushed to less than 6 inch sized pieces and used as part of the base for the new road or driveway.

See Appendix A for more information on the requirements for crushing ABC rubble.

3. Use ABC rubble that has not been crushed for a "beneficial use." Under the provisions of 310 CMR 19.060 a solid waste can be put to a "beneficial use" when approved by the Department. The approval requires an application and an application fee. The application fee ranges from \$250 to \$900 depending on the circumstances. The Beneficial Use Determination may take up to 3 months.

An example of a beneficial use of ABC rubble is the use of rubble that has not been crushed as fill.

See Appendix B for more information on applying for a Beneficial Use Determination.

4. If none of the above options are practical, it may be necessary to dispose of the rubble at a landfill. This is the least preferred option unless the rubble is contaminated or for some other reason is not suitable for one of the options described above.

B. Do I Need a Permit to Operate a Rubble Processing Operation?

As stated above, ABC rubble is considered a solid waste unless it is used or processed in such a way that it is exempt from regulation as a solid waste. Sections of the solid waste regulations that exempt certain types of ABC rubble processing operations from regulation as a solid waste facility are summarized below.

1. Asphalt Batching plants (that reprocess ABC rubble) are categorically exempt from the solid waste regulations. (See 310 CMR 16.05(2)(f)8.)
2. Certain ABC rubble crushing operations are conditionally exempt from the solid waste regulations. (See 310 CMR 16.05(3)(e).)
3. ABC rubble recycling operations that are not elsewhere exempted may be eligible to apply under the Determination of Need provisions of 310 CMR 16.05(6) for exemption from the solid waste regulations. This requires an application and application fee.
4. ABC rubble crushing operations that can not qualify for an exemption are required to obtain a site assignment pursuant to 310 CMR 16.00 and a solid waste management facility permit in accordance with 310 CMR 19.000.

C. What Do I Do if I Need to Make an Application to DEP?

When the regulations require that an application be made to the DEP, the application must be submitted on forms supplied by the Department. Application packages containing forms and information about completing and submitting the forms can be obtained by calling the DEP InfoLine or one of the DEP Regional Service Centers.

Please note the difference between an application and a notification. When the terms "apply" or "application" are used, this means the process described in the preceding paragraph must be used and no action may be taken until the application has been approved by the DEP. On the other hand, when the terms "notify" or "notification" are used, the required information must be submitted but no special forms are required and no approval is required from the DEP. (A sample notification form that may be used to notify the DEP and the local board of health of on site rubble crushing is included with this information sheet.)

IV. SOURCES OF INFORMATION

Locating a Place to Take ABC Rubble. The DEP does not have a complete list of operations that can recycle/reuse ABC rubble. The Yellow Pages may be helpful. Asphalt batching plants may accept asphalt rubble. Quarries and sand and gravel pits may crush ABC rubble.

The DEP publishes the Recycling Services Directory which lists companies that recycle asphalt, brick or concrete. The Directory includes information on recycling a variety of materials. To get a copy of the Directory call the DEP Infoline at the number shown below.

Massachusetts Regulations (Code of Massachusetts Regulations (CMR)). Copies of the regulations can be purchased from the State House Bookstore, (617)727-2834.

There are two sets of regulations for solid waste:

Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00

Solid Waste Management Facility Regulations, 310 CMR 19.000

Regulation governing the application procedure and application fees:

Timely Action Schedule and Fee Provisions, 310 CMR 4.00

Application Forms: To obtain application forms or for other information on the permitting process, call the DEP InfoLine or one of the Regional Service Centers.

InfoLine: from area code 617: (617) 338-2255
From 413 and 508: (800) 462-0444
Telecommunications Device for the Deaf: 617.574.6868 or
800.298.2207

For project specific issues contact:

DEP REGIONAL OFFICES AND SERVICE CENTERS

DEP Western Regional Office
436 Dwight Street
Springfield, MA 01103
Main Number: (413)784-1100
Service Center: (413)755-2124
or (413)755-2261

DEP Central Regional Office
627 Main Street
Worcester, MA 01608
Main Number: (508)792-7650
Service Center: (508)792-7683

DEP Northeast Regional Office
205 Lowell Street
Wilmington, MA 01887
Main Number: (978) 661-7600
Service Center: (978) 661-7677
NERO.Service@state.ma.us

DEP Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
Main Number: (508)946-2700
Service Center: (508)946-2714
Service.Center@state.ma.us

For Policy or general questions call:

DEP BOSTON OFFICE

Business Compliance Division
One Winter Street
Boston, MA 02108
James Roberts: (617) 292-5983
James.Roberts@state.ma.us

APPENDIX A

SUMMARY OF CONDITIONAL EXEMPTION FOR ON-SITE ABC RUBBLE CRUSHING 310 CMR 16.05(3)(e)

This Appendix is intended to provide a partial summary of the regulations covering on-site crushing of ABC rubble. The summary is adequate for relatively small projects such as crushing the material from a driveway at a single family residence. Individuals or businesses contemplating larger projects should consult the regulations.

Summary of Regulation for On-Site ABC Rubble Crushing

(NOTE: This is a paraphrase of the major requirements for on-site crushing. It is not an exact restatement of the regulations.)

When the following conditions are observed, the ABC rubble may be crushed without obtaining any permit or other approval under Solid Waste Regulations. Permits from other programs such as Wetlands or Air may be required.)

The only materials crushed are asphalt, brick or concrete (ABC) rubble that are not contaminated.

Good management practices are used and no public nuisance is created.

All rubble is from the site where the rubble is being crushed. (i.e., rubble cannot be brought in from other locations and crushed).

The rubble is processed so the maximum length of the largest dimension of any piece of rubble is less than six inches.

If the rubble contains rebar (metal reinforcing), all rebar is removed and is recycled or disposed in an approved solid waste management facility;

The rubble should be crushed and reused or transported off-site within a reasonable time.

At least 30 days prior to crushing the rubble the Department and the local board of health must be notified. The notification may be made on the form attached to this Information Sheet.

ABC rubble that has been crushed in accordance with the above conditions is not a solid waste. Such crushed rubble may be used as a substitute for conventional materials. For example, the crushed rubble could be used for the base of a driveway or for fill.

While the crushed rubble is not a solid waste, its use is subject to restrictions imposed by other regulations such as the wetlands regulations.

NOTIFICATION FORM FOR ON-SITE RUBBLE CRUSHING

Submitted in Compliance with 310 CMR 16.05(3)(e)5.

INSTRUCTIONS This form can be used to satisfy the notification requirements for on site ABC rubble crushing. Fill in the information and mail the form at least 30 days prior to crushing the ABC rubble. Send one copy to the DEP regional office that includes the municipality where the crushing will take place and send one copy to the board of health in the municipality where the crushing will take place.

Notifier Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____

Location where rubble is to be generated and crushed (if different from above):

Street: _____

City/Town: _____

As required by 310 CMR 16.05(3)(e)5., I am providing 30 days prior notice that asphalt, brick or concrete rubble will be crushed in accordance with the requirements of 310 CMR 16.05(3)(e). Crushing will commence, at the location shown above, on _____(approximate date) and continue for approximately _____ days.

I am delivering or sending copies of this notification to the DEP _____ (DEP region where crushing will be done) Regional Office and to the _____(municipality where crushing will be done) Board of Health

Signature: _____

Date: _____

APPENDIX B

BENEFICIAL USE OF ABC RUBBLE

To receive approval for a beneficial use of a solid waste the owner of the location at which the material is to be used must apply to the Department in accordance with 310 CMR 19.060. The application process is governed by the procedures under the Timely Action Schedule and Fee Provisions of 310 CMR 4.00 which require completion of an application form and payment of an application fee.

The application package for a Determination of Beneficial Use contains two application forms, BWP SW 13 and BWP SW 30. The application guide explains which application form to use. See the section above on "Sources of Information" for information on where to get an application.

Information to Submit with Application

The application form and regulations, 310 CMR 19.060(2), contain general requirements for the information to supply. Specific information that may be needed for the Department to evaluate the use of rubble, especially when the proposed use is as fill, include:

- a. a general description of the rubble;
- b. the type of rubble (i.e., asphalt, brick, or concrete);
- c. the size distribution of the pieces of rubble;
- d. the quantity of other material such as rebar attached to or mixed with the rubble;
- e. the amount (weight and/or volume) of rubble;
- f. the specific source of the rubble including a description of any substances that have come in contact with the rubble;
- g. the specific proposed use including an identification and description of the location where the material is to be used and, if the rubble contains rebar, a locus map which shows all water resources and drinking water supplies within a one-half mile radius; and
- h. any additional information requested by the Department.

In many cases the type of information required will be apparent from the nature of the proposed beneficial use. When in doubt, the applicant may want to contact the solid waste section chief in the regional office where the application will be submitted.